

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH WOODSON,

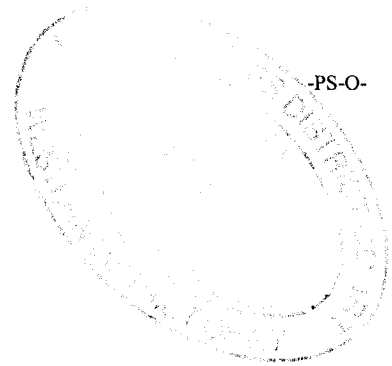
Plaintiff,

-v-

LORAM MAINTENANCE OF WAY INC.,

Defendant.

DECISION AND ORDER
10-CV-6263L(P)



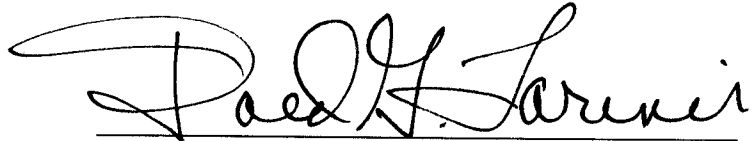
Plaintiff filed this action for employment discrimination on May 13, 2010 and requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) (Docket # 2). Plaintiff's request to proceed as a poor person was granted on May 24, 2010 (Docket # 3).

Once a plaintiff is granted permission to proceed *in forma pauperis*, the responsibility for effecting service of the summons and complaint shifts from the plaintiff to the court. *See* 28 U.S.C. § 1915(d); *Wright v. Lewis*, 76 F.3d 57, 59 (2d Cir. 1996). Here the Court granted plaintiff permission to proceed *in forma pauperis* and, therefore, it becomes the Court's responsibility to effect service upon defendants.

The Clerk of the Court was directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendant without plaintiff's payment therefor. After two attempts by the U. S. Marshal to serve the complaint by mail, the Court directed that service be made by certified mail. (Docket # 7). The Marshal returned the Process Receipt and Return form to the Court indicating that the Certified receipt was signed, but the form was not dated (Docket # 9). Plaintiff has now requested a Clerk's Entry of

Default, which was entered, and an Entry of Default Judgement (Docket # 12). Before the Court schedules a hearing on the request for Entry of Default, the Clerk is directed to mail defendants a copy of this Order at Loram Maintenance of Way, Inc., 3900 Arrowhead Drive, Hamel, MN 55340. Defendants are directed to notify the Court within 20 days of the entry of this Order as to how they intend to proceed.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

DATED: June 13, 2011
Rochester, New York